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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,696

Applicant(s)

LANDRY ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action (paper # 9) has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/09/03 (paper # 10) has been entered. By the aforementioned submission claims 34 and 35 have been cancelled and claims 1, 5, 6, 14, 20-23, 26, 27, 29-32, 36-38, 43, 45-47, 49, 51, 52, and 57 have been amended. Thus, claims 1-33 and 36-59 are pending in the instant application.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an angular lock assembly recited in claim 13 must be shown. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 11-17, 20-24, 27-33, 36-47, 49-56, 58, and 59, are rejected under 35 U.S.C. 102(b) as being anticipated by US/6,430,038 to Helot et al. (Helot).

Regarding claim 1, Helot disclosed (Fig. 1-3) a computer system (20) comprising: a component housing comprising: a first section (22); and a second section (42) rotatably coupled to the first section (22); a third section (54, 56) rotatably coupled to the second section (42), wherein the first, second, and third sections are rotatable between a plurality of configurations having different footprints (Fig. 2, 3) and at least two of the first, second, and third sections are adapted to house components (i.e. section (22) houses keyboard (21) and section (42) houses components of the hinge assembly (27))); and a display (28) rotatably coupled to the component housing.

Regarding claim 20, Helot disclosed a space saving system (Fig. 1-3) for a computing device, comprising: a display (28); a multi-sectional housing comprising at least a portion (42) rotatable to an upright orientation to provide a reduced footprint of the multi-sectional housing (Fig. 2); and an intermediate member (54, 56) rotatably coupled to the display (28) at a first end and rotatably coupled to the at least one housing section (42) at a second end.

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Regarding claim 32, Helot disclosed a computer structure (Fig. 1-3), comprising: a body having at least four rotatably coupled sections (22, 42, 54, 56, 28) comprising at least two component housing sections (22, 42) configured to support computing components and at least one display housing configured to support a display (28), wherein the at least four rotatably coupled sections are rotatable between configurations having at least two different footprints (Fig. 2, 3).

Regarding claims 2 and 22, Helot disclosed that multi-sectional housing comprises a flat panel housing (panel housing sections 22, 42, and 28).

Regarding claim 33, Helot disclosed that the at least two component housing sections (22, 42) are coupled at a pivot joint (27) and rotatably movable between an L-shaped configuration (Fig. 1) and a substantially flat configuration (Fig. 2).

Regarding claims 3-6, 23, and 24, Helot disclosed that said component housing is for a computer (column 1, lines 37+), therefore it inherently comprises a computing circuitry including: a processor, a memory, and a power supply.

Regarding claim 7, Helot disclosed that the component housing comprises an input device (21).

Regarding claims 11 and 12, Helot disclosed a support structure (46) including a horizontal mount structure for supporting an angular orientation of the second section (42) relative to the first section (22).

Regarding claim 13, Helot disclosed an angular lock assembly (Fig. 11, elements (80, 86)) for securing the component housing at a desired relative angle between the sections.

Regarding claims 14, 15, 16, and 21, Helot disclosed that the display (28) comprises a flat panel display (30) and a connector arm (54, 56) having first and second pivot joints (47, 57) rotatably coupling the display (28) and the component housing.

Regarding claim 17, Helot disclosed that the connector arm (54, 56) comprises a releasable display mount (47).

Regarding claim 27, Helot disclosed that the intermediate member (54, 56) comprises a connector arm having a first end rotatably coupled to the multi-sectional housing (42) and a second end rotatably coupled to the display (28) at an offset distance from the multi-sectional housing (42).

Regarding claim 28, Helot disclosed a releasable display mount (47) disposed at one of the first and second ends.

Regarding claim 29, Helot disclosed a support structure (46) for supporting the at least one housing section (42) of the multi-sectional housing in the upright orientation.

Regarding claims 30 and 31, Helot disclosed that the multi-sectional housing comprises rotatably coupled sections (22, 28, 54, 56, 42) configured for plurality of angular orientations and geometrical configurations, including a base section (22) of reduced footprint (Fig. 1A) and a rotatable section (42) rotatable between a base orientation (Fig. 3) having an added footprint and the upright orientation (Fig. 1A) configured for decreasing space consumption of the multi-sectional housing.

Regarding claims 36 and 37, Helot disclosed that the configurations include a folded configuration (Fig. 2) with a substantially flat arrangement of the rotatably coupled sections (22, 42) and a zigzagging configuration, (Fig. 1).

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Regarding claims 38, 39 and 40, Helot disclosed that at least four rotatably coupled sections (22, 28, 54, 56, 42) comprise an intermediate member (connector arms) (54, 56) disposed between the at least one display housing (28) and one of the at least two component housing sections (42, 22), the configurations comprising a working configuration (Fig. 1) having the at least one display housing (28) positioned at a desired viewing orientation for the display and having the at least two component housing sections (22, 42) positioned at a desired orientation for mounting on a surface.

Regarding claims 41, Helot disclosed a releasable display coupling (47) disposed at one of first and second ends of the intermediate member (54, 56).

Regarding claim 42, Helot disclosed that at least a portion of the computer components integrally coupled (inherently) within the plurality of rotatably coupled housing sections (22, 42, 54, 56), wherein the computer components comprise a display (28) and a processor (inherently, since the device is a computer), and the display (28) includes a panel display screen (30).

Regarding claims 43-47, 49-56, 58, and 59, the method steps recited in the claims, are inherently necessitated by the device structure as disclosed by Helot.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-10, 18, 25, 26, and 57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/6,006,243 to Karidis.

Regarding claims 8-10, 25, and 26, Helot disclosed all of the claims limitations as apply to claims 7, 20, and 23, but did not disclose removable wireless input devices.

Karidis disclosed a computer system (Fig. 1, 2) comprising a wireless communication system represented by a removable wireless keyboard and a pointing device (column 3, lines 31-40).

Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of wireless removable input devices disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify said computer of Helot by providing it with removable wireless input devices as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

Regarding claim 57, the method steps recited in the claim are inherently necessitated by the device structure as disclosed by Helot in view of Karidis.

Regarding claim 18, Helot disclosed all of the claim limitations as apply to claim 17, but did not disclose that the connector arm has a hot-plugable electrical coupling mechanism for removably coupling the display to the component housing .

Karidis disclosed (Fig. 4) such hot-plugable electrical coupling mechanism (82, 84) for removably coupling the display (72) to the housing (74).

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Since inventions of Helot and Karidis are from the same field of endeavor (portable computers), the purpose of the hot-plugable electrical coupling disclosed by Karidis would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in computer art at the time the invention was made to modify the computer of Helot by providing the intermediate members (arms) with the hot-plugable electrical coupling mechanism for removably coupling the display to the component housing as taught by Karidis in order to provide additional user functionality and flexibility (Karidis, column 2, lines 44, 45).

7. Claims 19 and 48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Helot in view of US/5,260,884 to Stern.

Regarding claim 19, Helot disclosed all of the claim limitations as applied to claim 1, but did not disclose a handle assembly coupled to the component housing.

Stern disclosed (Fig. 1) a portable computer system having a component housing (14) with an integral handle (11) attached thereon.

Since the inventions of Helot and Stern are from the same field of endeavor (portable computers), the purpose of the handle disclosed by Stern would be recognized in the invention of Helot.

It would have been obvious to a person of ordinary skill in the computer art at the time the invention was made to provide the component housing of Helot with the integrally formed handle as taught by Stern, in order to facilitate carrying of the device.

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Regarding claim 48, the method steps recited in the claim, are inherently necessitated by the device structure as disclosed by Helot in view of Stern.

Response to Arguments

8. Applicant's arguments have been fully considered but they are not persuasive.

Regarding the Objection to the Drawings, the "angular lock assembly" has been positively set forth and explicitly recited in claim 13, therefore it should have been shown on the drawings. The Applicant's arguments do not explain where on the drawings said angular lock assembly per se is depicted.

The main thrust of the Applicant's arguments regarding the anticipatory rejections is based on the assertion that Helot et al ('038) reference discloses "only one invariable footprint" and that "only portion of the computer 20 having a footprint is the computer base 22" (page 14 of the Amendment, second paragraph).

On the contrary, the Examiner believes that the footprint of the computer as depicted on Fig. 3 of Helot et al. is larger than footprint as depicted on Fig. 2 or Fig. 1 or Fig. 4-7. Also, the Examiner believes that Applicant is in error while considering that footprint of the Helot computer is only produced by portion (22). The Examiner believes, that the footprint is also produced by the projection formed by portion (42) on a supporting surface. Thus, since portion (42) is rotatable, it will produce a variable projection on the supporting surface. Therefore, the total footprint of the computer will be also variable as shown on Fig. 2 and 3 of Helot et al.

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Furthermore, the main thrust of the Applicant's arguments regarding the obviousness rejections is based on the assertion that there are no motivations for combining the references. The Examiner would like to direct the Applicant's attention to the fact that motivations have been provided in the body of the rejection (see Final Office Action p. 7, line 10, p. 8, line 3, etc.).

Also, in response to Applicant's arguments that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975).

However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

Regarding the Applicant's position that combining Helot et al and Stern references would be "improper...because doing so would change the principle of operation of each respective reference", (i.e. that combination would not be successful) (p. 22 of the Amendment, lines 18 and 19), the Examiner would like to direct the Applicant's attention to the fact, that as decided in *In re O'Farrel*, 7 USPQ 2d, 1673-1681, Fed. Cir. 1988, obviousness does not require absolute predictability of success. Indeed, for many inventions that seem quite obvious, there is no absolute predictability of success until the invention is reduced to practice. There is always at least a possibility of unexpected results, that would then provide an objective basis for showing that the invention, although apparently obvious, was in law nonobvious. *In re Merck & Co.*, 800

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F.2d at 1098, 231 USPQ at 380; *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1461, 221 USPQ 481, 488 (Fed. Cir. 1984); *In re Papesch*, 315 F.2d 381, 386-387, 137 USPQ 43, 47-48 (CCPA 1963). For obviousness under 35 U.S.C. 103, all that is required is a reasonable expectation of success. *In re Longi*, 759 F.2d 887, 897, 225 USPQ 645, 651-652 (Fed. Cir. 1985); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976).

The Examiner believes that the success of the resulting combination (of Helot et al and Stern references) is definitely could have been reasonably expected by a person of the ordinary skill in the computer art at the time the invention was made.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824. The examiner can normally be reached on Monday-Friday, between 9:30am and 6:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman
Primary Examiner
Art Unit 2835

A.V.
July 30, 2003

A handwritten signature in cursive script, appearing to read "A. Vortman", written over a horizontal line.